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ORDINANCE NO. 2001 - 058

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR COUNTY INITIATED AMENDMENTS TO REMOVE NON-UTILIZED LAND USE DESIGNATIONS: 01-57 COM 1 (AUTO NATION), MODIFYING PAGE 57 OF THE FLUA BY CHANGING AN APPROXIMATELY 29.09 ACRE PARCEL OF LAND, LOCATED ON THE SOUTHWEST CORNER OF OKEECHOBEE BOULEVARD AND THE RONALD REAGAN TURNPIKE, FROM COMMERCIAL HIGH, WITH UNDERLYING INDUSTRIAL (CH/IND) TO COMMERCIAL HIGH (CH); 01-57 COM 2 (PALM BEACH PLAZA MUPD), MODIFYING PAGE 57 OF THE FLUA BY CHANGING AN APPROXIMATELY 27.25 ACRE PARCEL OF LAND, LOCATED ON THE SOUTHEAST CORNER OF JOG ROAD AND OKEECHOBEE BOULEVARD, FROM COMMERCIAL HIGH, WITH UNDERLYING INDUSTRIAL (CH/IND) TO COMMERCIAL HIGH (CH); 01-78 RES 1 (UNITED CEREBRAL PALSY DAYCARE), MODIFYING PAGE 78 OF THE FLUA BY CHANGING AN APPROXIMATELY 1.32 ACRE PARCEL OF LAND, LOCATED ON THE NORTHEAST CORNER OF COCONUT ROAD AND 2<sup>ND</sup> AVENUE NORTH, FROM COMMERCIAL LOW, WITH AN UNDERLYING 5 UNITS PER ACRE (CL/5) TO MEDIUM RESIDENTIAL, 5 UNITS PER ACRE (MR-5); 01-110 COM 1 (TOPPEL CENTER), MODIFYING PAGE 110 OF THE FLUA BY CHANGING AN APPROXIMATELY 4.51 ACRE PARCEL OF LAND, LOCATED ON THE NORTH SIDE OF GLADES ROAD, APPROXIMATELY .25 MILE WEST OF LYONS ROAD, FROM COMMERCIAL HIGH WITH AN UNDERLYING 5 UNITS PER ACRE (CH/5) TO COMMERCIAL HIGH (CH); 01-102 RES 1 (ARC AT DELRAY WEST), MODIFYING PAGE 102 OF THE FLUA BY CHANGING AN APPROXIMATELY 2.41 ACRE PARCEL OF LAND, LOCATED ON THE SOUTH SIDE OF ATLANTIC AVENUE, APPROXIMATELY 400 FEET EAST OF THE RONALD REAGAN TURNPIKE, FROM COMMERCIAL, WITH AN UNDERLYING 8 UNITS PER ACRE (C/8) TO HIGH RESIDENTIAL, 8 UNITS PER ACRE (HR-8); PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 2, 9, 23 and March 9, 2001 to review the proposed amendments to the Palm Beach County Comprehensive Plan

1 and made recommendations regarding the proposed amendments to the Palm  
2 Beach County Board of County Commissioners pursuant to Chapter 163,  
3 Part II, Florida Statutes; and

4 **WHEREAS**, the Palm Beach County Board of County Commissioners, as  
5 the governing body of Palm Beach County, conducted a public hearing  
6 pursuant to Chapter 163, Part II, Florida Statutes, on March 26 and  
7 April 10, 2001 to review the recommendations of the Local Planning  
8 Agency, whereupon the Board of County Commissioners authorized  
9 transmittal of proposed amendments to the Department of Community  
10 Affairs for review and comment pursuant to Chapter 163, Part II,  
11 Florida Statutes; and

12 **WHEREAS**, Palm Beach County received on July 1, 2001 the  
13 Department of Community Affairs "Objections, Recommendations, and  
14 Comments Report," dated June 29, 2001 which was the Department's  
15 written review of the proposed Comprehensive Plan amendments; and

16 **WHEREAS**, the written comments submitted by the Department of  
17 Community Affairs contained no objections to the amendments contained  
18 in this ordinance;

19 **WHEREAS**, on August 27, 2001 the Palm Beach County Board of County  
20 Commissioners held a public hearing to review the written comments  
21 submitted by the Department of Community Affairs and to consider  
22 adoption of the amendments; and

23 **WHEREAS**, the Palm Beach County Board of County Commissioners has  
24 determined that the amendments comply with all requirements of the  
25 Local Government Comprehensive Planning and Land Development  
26 Regulations Act.

27 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
28 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

29 **Part I. Amendments to the Future Land Use Atlas of the Land Use**  
30 **Element of the 1989 Comprehensive Plan**

31 The following amendments to the Land Use Element's Future Land  
32 Use Atlas are hereby adopted and attached to this Ordinance:

33 **A. Future Land Use Atlas page 57 is amended as follows:**

34 **Application No.:** 01-57 COM 1 (Auto Nation)

35 **Amendment:** From Commercial High with underlying  
36 Industrial (CH/IND) to Commercial High

1 (CH) ;

2 General Location: Southwest corner of Okeechobee Boulevard  
3 and the Ronald Reagan Turnpike;

4 Size: Approximately 29.09 acres;

5 B. Future Land Use Atlas page 57 is amended as follows:

6 Application No.: 01-57 COM 2 (Palm Beach Plaza MUPD)

7 Amendment: From Commercial High, with underlying  
8 Industrial (CH/IND) to Commercial High  
9 (CH) ;

10 General Location: Southeast corner of Jog Road and Okeechobee  
11 Boulevard;

12 Size: Approximately 27.25 acres;

13 C. Future Land Use Atlas page 78 is amended as follows:

14 Application No.: 01-78 RES 1 (United Cerebral Palsy Daycare)  
15 Amendment: From Commercial Low, with an underlying 5  
16 units per acre (CL/5) to Medium  
17 Residential, 5 units per acre (MR-5) ;

18 General Location: Northeast corner of Coconut Road and 2<sup>nd</sup>  
19 Avenue North;

20 Size: Approximately 1.32 acres) ;

21 D. Future Land Use Atlas page 110 is amended as follows:

22 Application No.: 01-110 COM 1 (Toppel Center)

23 Amendment: From Commercial High, with an underlying 5  
24 units per acre (CH/5) to Commercial High  
25 (CH) ;

26 General Location: North side of Glades Road, approximately  
27 .25 mile west of Lyons Road;

28 Size: Approximately 4.51 total acres;

29 E. Future Land Use Atlas page 102 is amended as follows:

30 Application No.: 01-102 RES 1 (ARC at Delray West)

31 Amendment: From Commercial, with an underlying 8 units  
32 per acre (C/8) to High Residential, 8 units  
33 per acre (HR-8) ;

34 General Location: South side of Atlantic Avenue,  
35 approximately 400 feet East of the Ronald  
36 Reagan Turnpike;

**Size:** Approximately 2.41 acres;

## Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

### Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

#### Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

**Part V. Effective Date**

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolutions shall be sent to the Department of

Community Affairs, Bureau of Local Planning, 2555 Shumard Oak  
Boulevard, Tallahassee, Florida 32399-2100.

APPROVED AND ADOPTED by the Board of County Commissioners of

Palm Beach County, on the 27 day of August, 2001.

ATTEST: PALM BEACH COUNTY, FLORIDA,  
DOROTHY H. WILKEN, Clerk BY ITS BOARD OF COUNTY COMMISSIONERS

BY: Joan Sawyer  
Deputy Clerk

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS

JOAN DAVIE  
Deputy Clerk

PALM BEACH COUNTY, FLORIDA APPROVED AS TO FORM AND LEGALITY  
J.D. P.O.S.

By Warren H. Newell  
Warren H. Newell, Chairman

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

UNTY  
PRIDA  
COUNTY ATTORNEY

of September , 2001

EXHIBIT 1

A. Future Land Use Atlas page 57 is amended as follows:

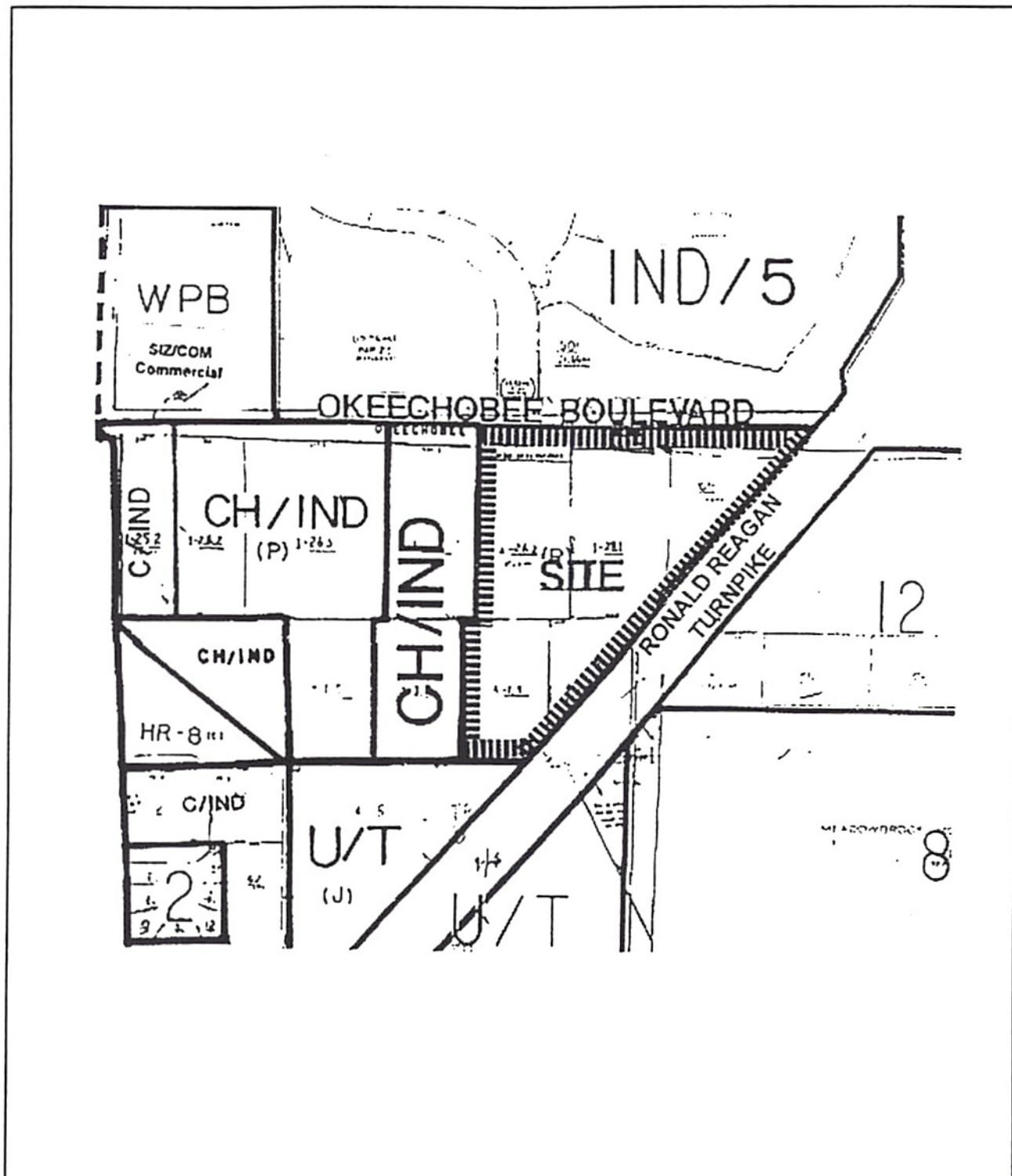
Amendment No.: 01-57 COM 1 (Auto Nation MUPD)

Amendment: From Commercial High, with an underlying Industrial (CH/IND) to Commercial High (CH).

Location: Southwest corner of Okeechobee Boulevard and the Ronald Reagan Turnpike.

Size: Approximately 29.09 acres

Property No.: 00-42-43-27-05-004-0051



B. Future Land Use Atlas page 57 is amended as follows:

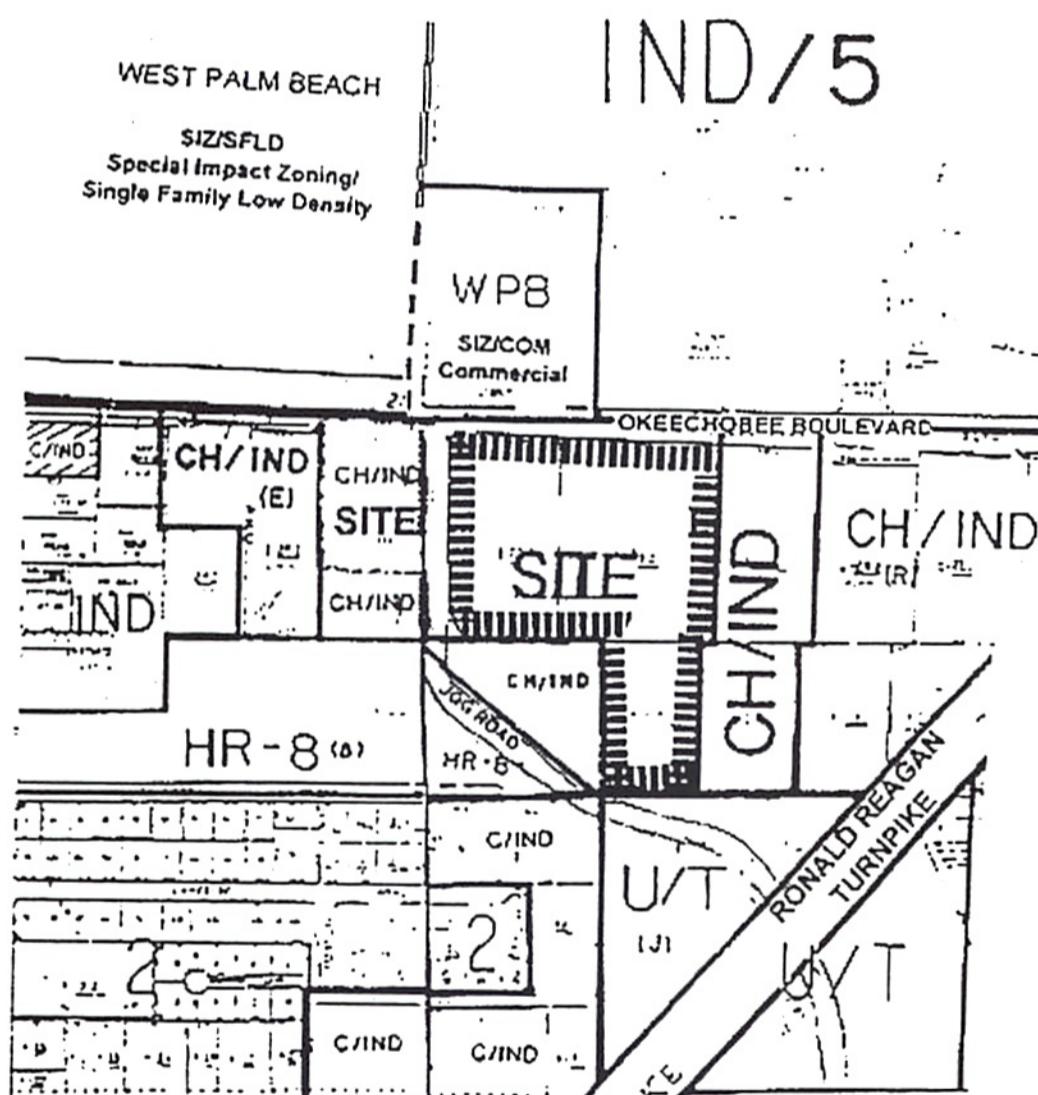
**Amendment No.:** 01-57 COM 2 (Palm Beach Plaza MUPD)

**Amendment:** From Commercial High, with an underlying Industrial (CH/IND) to Commercial High (CH).

**Location:** Southeast corner of Jog Road and Okeechobee Blvd.

**Size:** Approximately 27.25 acres (collectively)

**Property No.:** 00-42-43-27-03-001-0260  
00-42-43-27-05-004-0012



C. Future Land Use Atlas page 78 is amended as follows:

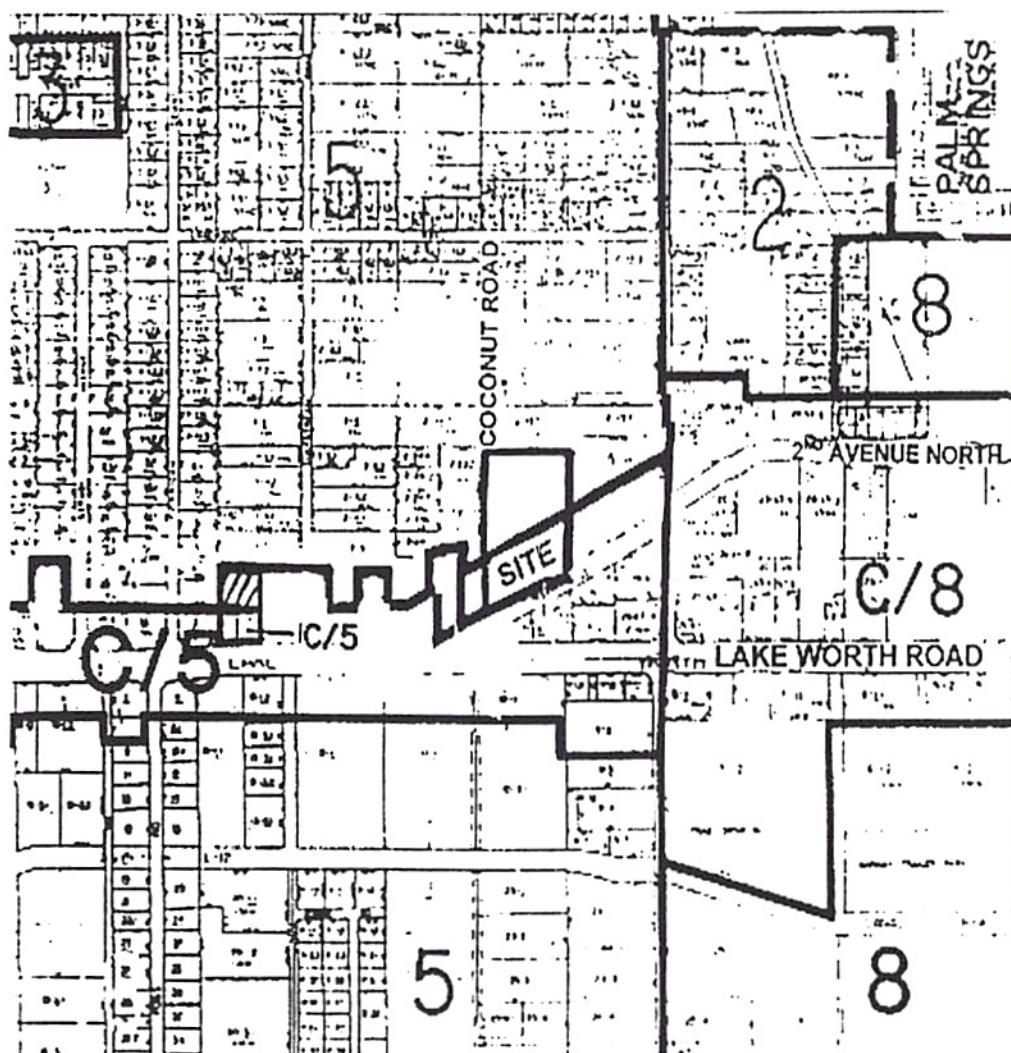
**Amendment No.:** 01-78 RES 1 (United Cerebral Palsy Daycare)

**Amendment:** From Commercial Low, with an underlying 5 units per acre (CL/5) to Medium Residential, 5 units per acre (MR-5).

**Location:** Northeast corner of Coconut Road and 2<sup>nd</sup> Avenue North

**Size:** Approximately 1.32 acres

**Property No.:** 00-43-44-19-11-002-0210



D. Future Land Use Atlas page 110 is amended as follows:

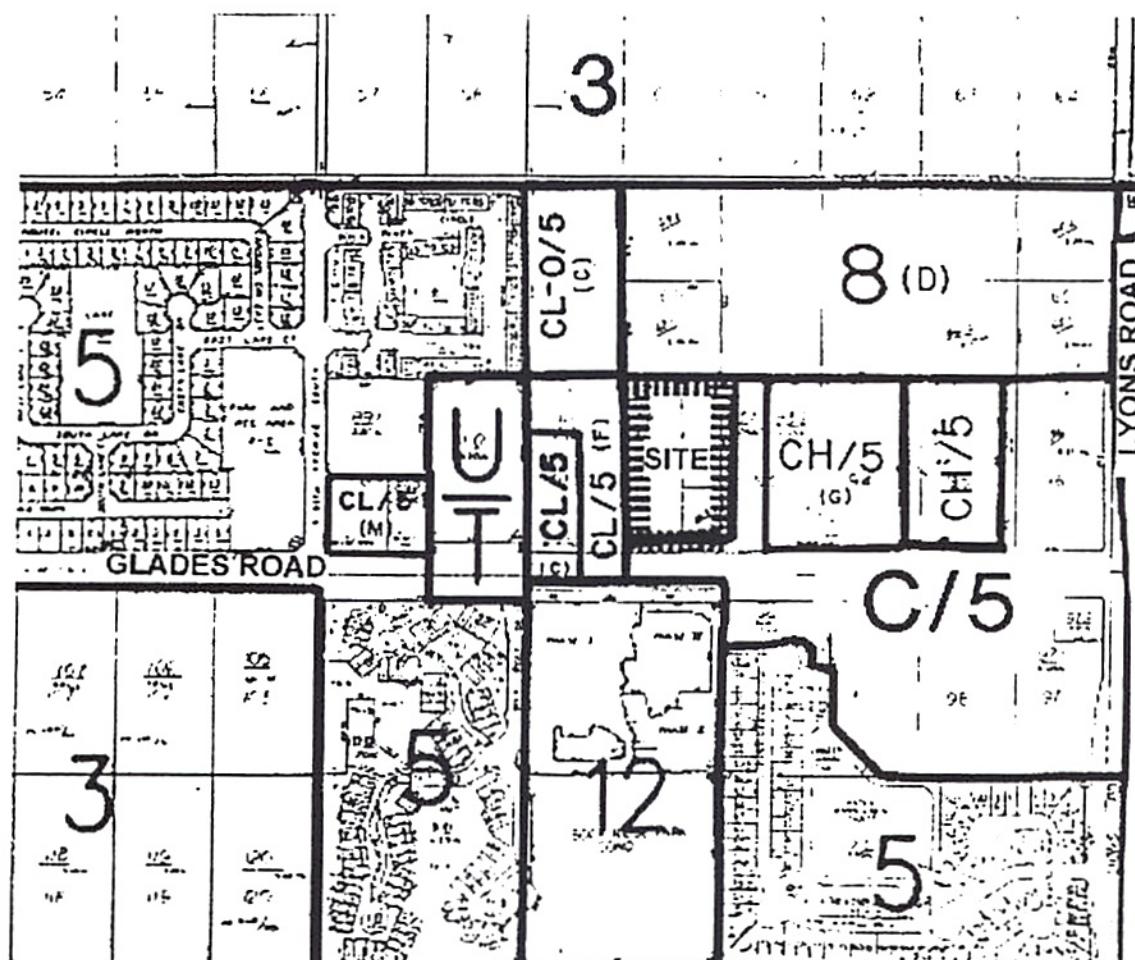
**Amendment No.:** 01-110 COM 1 (Toppel Center)

**Amendment:** From Commercial High, with an underlying 5 units per acre (CH/5) to Commercial High (CH).

**Location:** North side of Glades Road, approximately .25 of a mile west of Lyons Road.

**Size:** Approximately 4.51 acres (collectively)

**Property No.:** 00-42-43-27-05-077-0921  
00-42-43-27-05-077-0922



E. Future Land Use Atlas page 102 is amended as follows:

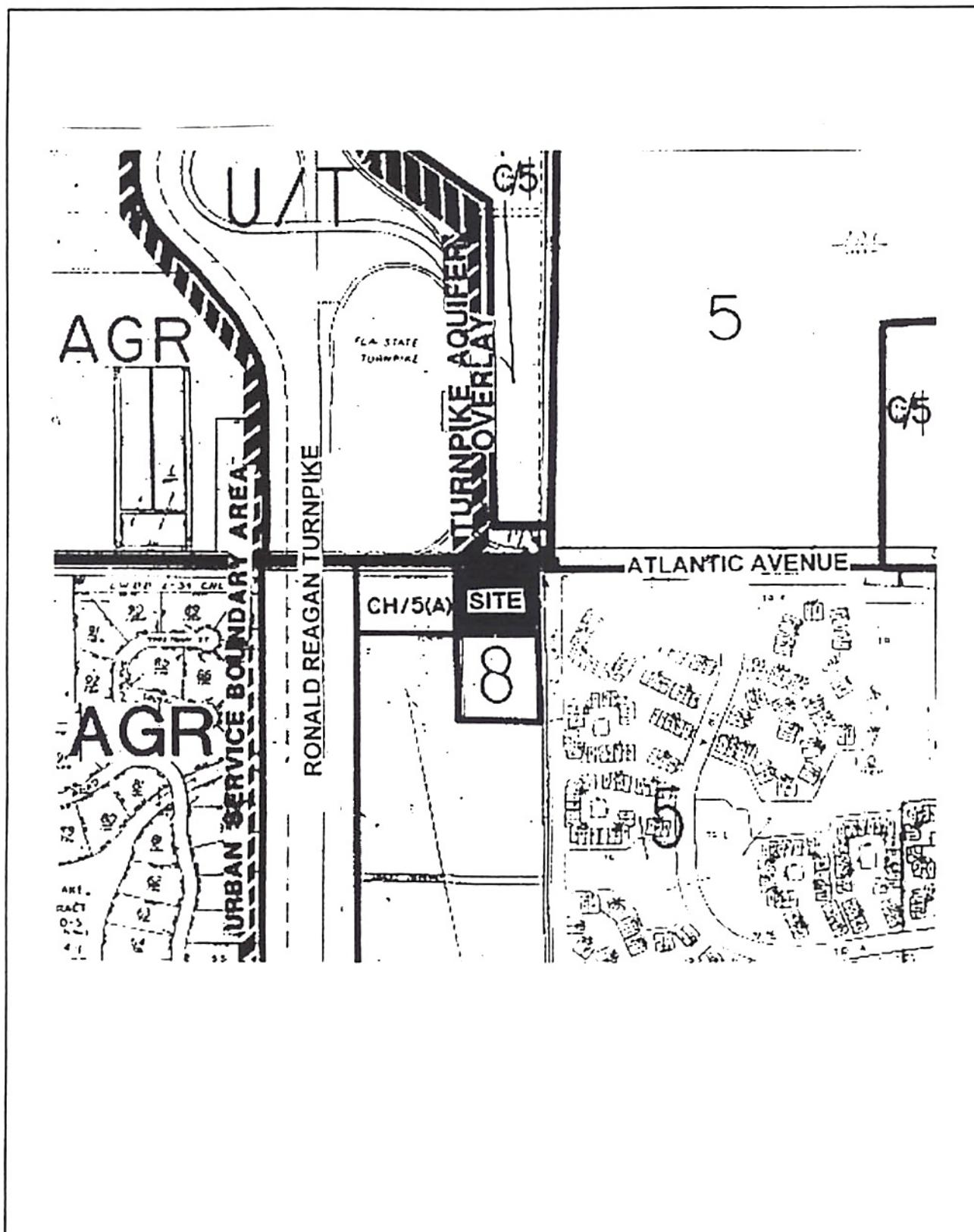
Amendment No.: 01-102 RES 1 (ARC at Delray West)

Amendment: From Commercial, with an underlying 8 units per acre (C/8) to High Residential, 8 units per acre (HR-8).

Location: South side of Atlantic Avenue, approximately 400' east of the Ronald Reagan Turnpike.

Size: Approximately 2.41 acres

Property No.: 00-42-46-20-10-001-0000 (a 2.41 portion of a 4.75 acre parcel)



STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on August 2, 2001  
DATED at West Palm Beach, FL on August 2, 2001  
DOROTHY H. WILKEN, Clerk  
By: Dorothy H. Wilken D.C.